

To: Jill M. Pietrini(trademarksCC@sheppardmullin.com)
Subject: U.S. Trademark Application Serial No. 90256820 - GRAFFITI DJ BREAKING MC MADE IN NEW YORK CITY ROCK THE BELLS CERTIFIED EST. 1973 MC BREAKING DJ GRAFFITI - 71AK-308425
Sent: October 12, 2021 04:03:14 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

**United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application**

U.S. Application Serial No. 90256820

Mark: GRAFFITI DJ BREAKING MC MADE IN NEW YORK CITY ROCK THE BELLS CERTIFIED EST. 1973 MC BREAKING DJ GRAFFITI

Correspondence Address:

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Applicant: Smith, James Todd

Reference/Docket No. 71AK-308425

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FINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be abandoned. Respond using the Trademark Electronic Application System (TEAS) and/or Electronic System for Trademark Trials and Appeals (ESTTA). A link to the appropriate TEAS response form and/or to ESTTA for an appeal appears at the end of this Office action.

Issue date: October 12, 2021

This Office action is in response to applicant's communication filed on September 21, 2021. Applicant was instructed to clarify its identification of services and provide a disclaimer. The disclaimer

is accepted and noted for the record. As such, the disclaimer requirement is satisfied and withdrawn. TMEP §714.04.

As applicant has impermissibly amended the first clause of its identification beyond the scope of the original wording, the identification of services requirement is now made FINAL. *See* 37 C.F.R. §2.63(b).

IDENTIFICATION OF SERVICES

Particular wording in the proposed amendment to the identification is not acceptable because it exceeds the scope of the identification in the application. *See* 37 C.F.R. §§2.32(a)(6), 2.71(a); TMEP §§805, 1402.06 *et seq.*, 1402.07. Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the original identification in the application, and any previously accepted amendments, remain operative for purposes of future amendment. *See* 37 C.F.R. §2.71(a); TMEP §1402.07(d).

In this case, the application originally identified the first clause in the identification of services as follows: "conducting entertainment exhibitions in the nature of contests."

However, the proposed amendment identifies the following services: "conducting exhibitions for entertainment purposes."

This portion of the proposed amendment is beyond the scope of the original identification because the exhibitions are not noted as being in the nature of contests and could instead involve many kinds of entertainment.

Note: applicant's amended second clause ("entertainment services, namely, conducting contests") is acceptable as amended.

PARTIAL ABANDONMENT ADVISORY

If applicant does not timely respond within six months of the issue date of this final Office action, the following services to which the final requirement applies will be **deleted** from the application by Examiner's Amendment: "conducting exhibitions for entertainment purposes." 37 C.F.R. §2.65(a); *see* 15 U.S.C. §1062(b).

In such case, the application will proceed for the remaining services.

Applicant may respond to this final Office action by providing one or both of the following:

- (1) A request for reconsideration that fully resolves all outstanding requirements and refusals; and/or
- (2) An appeal to the Trademark Trial and Appeal Board with the required filing fees.

TMEP §715.01; *see* 37 C.F.R. §2.63(b)(1)-(2).

RESPONSE GUIDELINES

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

Note: An applicant may check the status of or view documents filed in an application or registration using the [Trademark Status and Document Retrieval \(TSDR\)](#) system. Enter the application serial number or registration number and click on “Status” or “Documents.”

If applicant has technical questions about the TEAS response to Office action form, applicant can review the electronic filing tips available online at http://www.uspto.gov/trademarks/teas/e_filing_tips.jsp and e-mail technical questions to TEAS@uspto.gov.

How to respond. [Click to file a response to this final Office action](#) and/or [appeal it to the Trademark Trial and Appeal Board \(TTAB\)](#).

/Toby Bulloff/
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RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** A response or notice of appeal must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS and ESTTA maintenance or [unforeseen circumstances](#) could affect an applicant’s ability to timely respond.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on October 12, 2021 for
U.S. Trademark Application Serial No. 90256820

Your trademark application has been reviewed by a trademark examining attorney. As part of that review, the assigned attorney has issued an official letter that you must respond to by the specified deadline or your application will be [abandoned](#). Please follow the steps below.

- (1) [Read the official letter](#).
- (2) **Direct questions** about the contents of the Office action to the assigned attorney below.

Toby Bulloff
Examining Attorney
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(571) 270-1531
Toby.Bulloff@USPTO.GOV

Direct questions about navigating USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and/or whether there are outstanding deadlines or documents related to your file to the [Trademark Assistance Center \(TAC\)](#).

- (3) **Respond within 6 months** (or earlier, if required in the Office action) from October 12, 2021, using the Trademark Electronic Application System (TEAS). The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. See the Office action for more information about how to respond.

GENERAL GUIDANCE

- [Check the status of your application periodically](#) in the [Trademark Status & Document Retrieval \(TSDR\) database](#) to avoid missing critical deadlines.
- [Update your correspondence email address](#), if needed, to ensure you receive important USPTO notices about your application.
- [Beware of misleading notices sent by private companies about your application.](#)

Private companies **not** associated with the USPTO often use public information provided in USPTO trademark applications to mail and email trademark-related offers and notices - most of which require fees. These companies often have names similar to the USPTO. All **official USPTO correspondence** will only be **emailed from the domain "@uspto.gov"**.